

# TOWN OF WESTFIELD

## COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP  
ADVISORY PLAN COMMISSION  
BOARD OF ZONING APPEALS  
ZONING ENFORCEMENT  
BUILDING PERMITS

<b>Meeting Date:</b>	August 20, 2007
<b>Docket Number:</b>	0708-VU-003
<b>Appellant:</b>	William & Robbie Webster
<b>Property Address:</b>	546 N. Union Street
<b>Variance of Use Request:</b>	<i>WC 16.04.030, E1</i> Cosmetology Salon in the SF-3 District

### EXHIBITS

- |                                      |            |
|--------------------------------------|------------|
| 1. Staff Report                      | 08/20/2007 |
| 2. Aerial Location Map               | 08/20/2007 |
| 3. Property Card                     | 08/06/2007 |
| 4. Off-Street Parking Plan           | 08/20/2007 |
| 5. Appellant's Application and Plans | 07/10/2007 |

### RELATED CASES

None

### VARIANCE OF USE REQUEST

This variance of use request is to allow a cosmetology salon at the subject property, located at 546 North Union Street, in the SF-3 District (*WC 16.04.030, E1*).

### PROPERTY INFORMATION

The subject property is approximately 0.25 acre in size and is a corner lot with approximately 94 feet of road frontage on Union Street. The subject property is located at the southeast corner of Union Street and Hoover Street in Downtown Westfield. As defined by the Westfield-Washington Township Zoning Ordinance, the front lot line is on the Union Street (west) side of the property; the Hoover Street (north) side of the property is classified as a side lot line (*WC 16.04.210*). The subject property is zoned SF-3. Currently, the structure is vacant, but has historically been a residential use.

Abutting property to the south, east and west is zoned SF-3 and is a residential use. Adjacent property to the north (across Hoover Street) is zoned SF-3 and is a vacant lot. The adjacent property to the northwest (northwest corner of Union Street and Hoover Street) is zoned EI and is part of the Westfield High School campus. The subject property does not fall within any of the Town's overlay districts.

## PROPERTY HISTORY

There are no variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property. The subject property has a history of weeds and trash violations; however, all issues have been resolved and there are no pending code violations or enforcement efforts on the subject property.

## ANALYSIS

The subject property is located in the area identified by the Westfield-Washington Township Comprehensive Plan as Downtown Westfield. The Comprehensive Plan identifies a need to revitalize Westfield's downtown. The potential to convert existing residences along Union Street to business and office uses is listed as an opportunity to help revitalize the area (p.74).

Further, the Town is currently reviewing a draft Downtown Master Plan that has been prepared by an outside consultant. The draft plan includes three (3) potential future land use plans. Two (2) of the three (3) options indicate the southeast corner of Union Street and Hoover Street as areas of "Residential Conversion," which is defined in the draft plan as "small 'cottage' type businesses contained within the area of a residential structure" (p.3). The draft plan further defines "Residential Conversions" as utilizing an existing structure with limited modifications to the site or structure (p.3).

The Westfield Thoroughfare Plan identifies the segment of Hoover Street that is adjacent to the subject property as a Collector Street. It identifies the segment of Union Street that is adjacent to the subject property as a Secondary Arterial.

The submitted application indicates that the existing structure would be used for the proposed business. If the variance of use is approved, the proposed business would be required to provide a minimum of five (5) off-street parking spaces. There is sufficient space on-site to provide the minimum parking lot improvement (as shown on Exhibit 4). If the variance of use is approved, the proposed cosmetology salon would require development plan approval. Development plans would be required to meet all applicable standards and would require approval from the Advisory Plan Commission.

## FINDINGS

*No variance of standard shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of use will not be injurious to the public health, safety, morals, and general welfare of the community:**

**Findings:** It is unlikely that the approval of the requested variance of use would be injurious to the public health, safety, morals, and general welfare of the community. The community has expressed a desire, through the recent Comprehensive Plan update, to revitalize Downtown Westfield. The Comprehensive Plan specifically lists the conversion of existing residential structures to business uses as a possible tool for

implementing that vision and goal. The requested variance of use exemplifies and implements the stated goals and plans of the community.

**b. That the use and value of the area adjacent to the property included in the variance of use will not be affected in a substantially adverse manner:**

**Findings:** It is unlikely that the value of the area adjacent to the property included in the variance of use will be affected in a substantially adverse manner. The proposed use variance would allow a nonresidential use on an existing residential property, which is surrounded by residential uses. The zoning of the subject property is not changing, rather the requested variance of use would allow for an additional use on the property. A mix of residential and nonresidential uses is anticipated and accepted as necessary for a healthy, vibrant central business district. As Downtown Westfield redevelops, it is likely that more residential and nonresidential uses will be located next to each other. The symbiotic relationship between the differing uses should be beneficial to all property owners. As the downtown continues to revitalize and redevelop, the frequency of differing adjacent uses should intensify.

**c. That the need for the variance of use arises from some condition particular to the property involved:**

**Findings:** The subject property is located within the "Downtown Westfield" area. Additionally, the subject property is located on Union Street, which has been identified in the Comprehensive Plan as a Downtown corridor where the conversion of residential uses to business uses would be appropriate. However, the zoning ordinance does not anticipate conversions in the downtown area. Further, since the adoption of the Comprehensive Plan, the zoning ordinance has not been amended to accommodate conversions in Downtown Westfield. The community's desires for Downtown revitalization and redevelopment conflict with the SF-3 zoning on the subject property.

**d. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:**

**Findings:** The SF-3 District permits single-family residential uses, some recreational uses, and some institutional uses. The existing condition of the property affords the use of any of the "Permitted Uses" in the SF-3 District. The zoning ordinance has not caused an unnecessary hardship for the use of the subject property – the property is able to be used residentially.

**e. That such variance does not interfere substantially with the comprehensive plan:**

**Findings:** The Westfield-Washington Township Comprehensive Plan includes the subject property in the "Downtown" area of Westfield. The Comprehensive Plan indicates that the conversion of residential structures along Union Street to business uses is appropriate for the revitalization of Downtown Westfield. The requested variance of use follows the recommendations established by the Comprehensive Plan.

**NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.**

**RECOMMENDED CONDITIONS**

If the Board approves this variance of use request, the following conditions would be appropriate:

1. That two (2) off-street parking spaces per chair/station plus one (1) off-street parking space per employee during the largest shift be provided per the standards found in WC 16.04.120, 2;
2. That any portion of an off-street parking lot that is not effectively screened by the existing structure, as determined by the Director, shall be screened per the landscaping standards found in WC 16.06.070, B1b; B1c; and B2;
3. That any wall signage shall comply with the Home Occupation signage standards, as prescribed in WC 16.08.010, F2 and F3;
4. That any monument signage shall comply with the following:
  - a. One (1) monument sign shall be permitted for the business;
  - b. The display area shall not exceed sixteen (16) square feet per face;
  - c. The monument sign, including any base and cap feature, shall not exceed four feet (4') in height from grade;
  - d. The monument sign shall not be internally lit;
5. That awning and projecting signs are prohibited;
6. That WC 16.08,010, J (Sign Area Bonus) shall not be available to this site; and
7. That the structure and any additional site improvements comply with all ADA accessibility requirements.

\*\*\*\*\*

KMT



## Aerial Location Map

546 North Union Street





EXHIBIT 3

co.HAMILTON.in.us

Official government site of Hamilton County, Indiana

Online Se

## Property Card Report

## 1. report type

Reset

## 2. property search

new search

## 3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

## Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 200** Improvement characteristics may differ from those used to determine the total assessed value listed.

## Summary Information - Parcel Number: 09-06-31-03-01-001.000

## Property Data

Parcel Location	546 UNION ST N, WESTFIELD
Taxing Unit	Westfield
Legal Description	PT NW SW A 10/26/92 SPLIT FOR R/W 9241
Section/Township/Range	S31 T19 R04
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	0.25
Effective Frontage	70
Effective Depth	150
Property Class	One Family Dwelling

## Exterior Features and Out Buildings

- 1 Utility Shed,
- 1 Open Frame Porch,

## Property Owner as of April 30, 2007

Burgess, Bruce

## Most Recent Valuation as of March 1, 2006

Assessed Value: Land	16800
Assessed Value: Improvements	40900
Total Assessed Value:	57700

## Building 1, Card ID R01

## Physical Characteristics

Story Height	1.0
Attic	full
Basement	none
Crawl	approx. 3/4
Year Built	1900

## Floor Construction

Attic	Sub and joists
1.0 (first)	Sub and joists
1.5 (half upper)	Sub and joists

## Floor Finish

Attic	None, None
1.0 (first)	Carpet, Vinyl tile
1.5 (half upper)	Vinyl tile, None

## Exterior Cover

Attic	
1.0 (first)	Wood siding
1.5 (half upper)	Wood siding

## Interior Finish

## Accommodations

Finished Rooms	7
Bedrooms	3

## Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	NO

## Plumbing

Full Baths	1
Partial Baths	0

## Fireplace

Fireplace Stacks	NO
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## Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

## Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Area
Attic	420	420
1.0 (first)	1206	1206

Attic	Drywall	1.5 (half upper)	272	272
1.0 (first)	Drywall	<b>Garage</b>		
1.5 (half upper)	Drywall	Garage Type		
		Garage Square Footage	0	

This application is developed and maintained by the Information System Services Department. If you have any questions or comments, please contact I  
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**PART OF NORTHWEST QUARTER OF SOUTHWEST QUARTER  
SECTION 31, TOWNSHIP 19 NORTH, RANGE 3 EAST**

NORTHWEST CORNER  
NORTHWEST QUARTER  
SOUTHWEST QUARTER  
SECTION 31-T19N-R4E

**HOOVER STREET**

----- = EXISTING FENCE LINE

44.0'

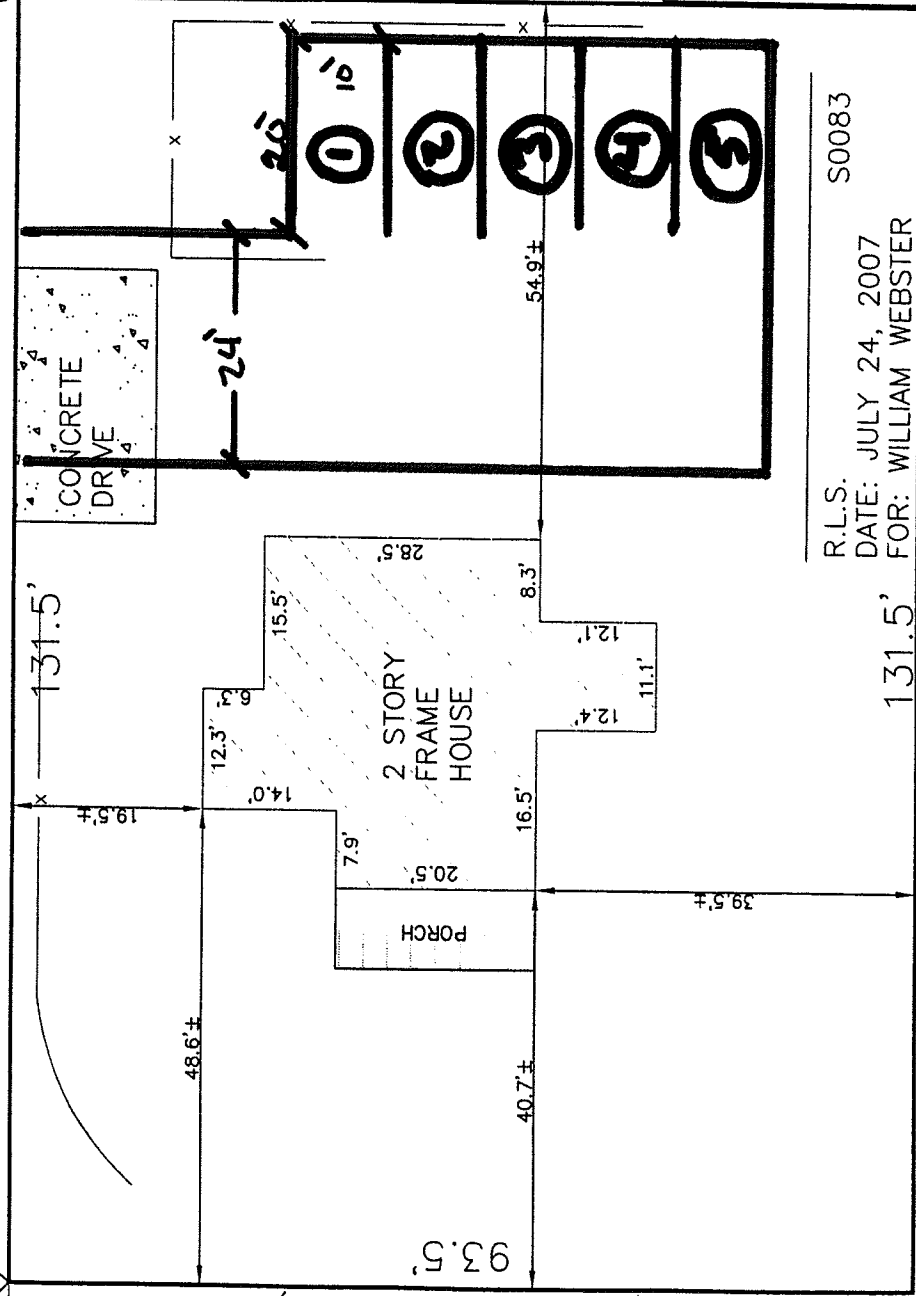
P.O.B. OF  
DESCRIPTION

**NORTH**  
GRAPHIC SCALE



SCALE : 1" = 20'  
JOB NO. M15672  
SURVEY DATE: 7-24-07

26.0'



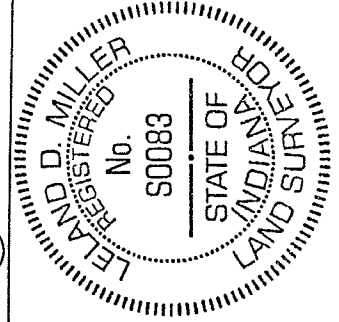
**UNION STREET**

(5 RODS 11 FEET)

93.5'  
(5 RODS 11 FEET)

R.L.S. S0083  
DATE: JULY 24, 2007  
FOR: WILLIAM WEBSTER

131.5'



**546 NORTH UNION STREET, WESTFIELD, IN. 46074**



Application Number: 0708-VU-003Date of Application: 07/10/07

**Application for VARIANCE OF USE  
Westfield – Washington Township Board of Zoning Appeals (BZA)**

This application must be completed and accompanied by information specified below and filed with the Community Services Department of the Town of Westfield, Indiana at least thirty (35) days prior to the BZA meeting at which Applicant wishes to make his/her oral presentation.

1. Applicant's Name see attach  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number see attach  
E-Mail Address \_\_\_\_\_  
\_\_\_\_\_
2. Landowner's Name see attach  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number see attach  
\_\_\_\_\_
3. \*Representative \_\_\_\_\_  
\*Address \_\_\_\_\_  
\_\_\_\_\_  
\*Telephone Number \_\_\_\_\_  
E-Mail Address \_\_\_\_\_  
\_\_\_\_\_

\*If the applicant is not presenting the petition, please provide contact information for the party presenting the petition

4. Common description of property (address, location, etc.)  
see attach  
\_\_\_\_\_  
\_\_\_\_\_
5. Legal description of property (list below or attach)  
see attach  
\_\_\_\_\_  
\_\_\_\_\_
6. Complete description of the nature of the variance of development standard applied for:  
see attach  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOWN OF WESTFIELD, INDIANA – VARIANCE OF USE APPLICATION

7. Plans **drawn to scale** must accompany this application and must show at least the following:
- a. The shape and dimensions of the land involved;
  - b. The location and dimensions of any existing buildings;
  - c. The location and dimensions of any proposed buildings or proposed alterations; and
  - d. All topographic, natural, or other unusual characteristics of the land involved.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

*No variance of use shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of use will not be injurious to the public health, safety, morals, and general welfare of the community:

see attach

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- b. That the use and value of the area adjacent to the property included in the variance of use will not be affected in a substantially adverse manner:

see attach

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- c. That the need for the variance of use arises from some condition particular to the property involved:

see attach

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TOWN OF WESTFIELD, INDIANA – VARIANCE OF USE APPLICATION

- d. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

see attach

- e. That such variance does not interfere substantially with the comprehensive plan:

see attach

The Applicant hereby certifies that the information contained in and accompanying this application is true and correct.

*William J. Webster*  
Applicant

SUBSCRIBED AND SWORN TO ME THIS 10th DAY OF July, 2007.

*Patricia J. Lentz*  
Notary Public

My commission expires: 3/13/08

**Application for Variance of Use  
Westfield – Washington Township  
Board of Zoning Appeals (BZA)**

1. William & Robbie Webster
2. 22857 West Rd. Sheridan, IN 46069
3. 317-758-0493  
[webster-w@sbcglobal.net](mailto:webster-w@sbcglobal.net)  
[webster-rs@sbcglobal.net](mailto:webster-rs@sbcglobal.net)
4. 546 North Union Street Westfield, IN 46074
5. Legal Description (see attachment)
6. A Cosmetology Salon. (WC 16.04.030, E1)
7. The existing site and building will be used for the Cosmetology Salon. An aerial photo provides the appropriate scale of the current site. (see attachment)
8.
  - a. A Cosmetology Salon is not injurious to the public health, safety, morals, and general welfare of the community.
  - b. Improvements to the current site and the facilitation of business growth along Union St. will not affect adjacent properties in a substantially adverse manner.
  - c. The current use or condition of the property is that the current underlying zoning does not permit business.
  - d. The strict application of the zoning ordinance, permitted home occupations, only allows one chair, no employment, and requires applicants to change residence and occupy 546 North Union Street.
  - e. A Cosmetology Salon does not interfere substantially with the comprehensive plan. The plan proposes future business conversions of houses along Union Street. A Cosmetology Salon is in alignment with the type of business models successful in such business conversions.



Parcel No. 09-06-31-03-01-001.000

File No. 18666

**WARRANTY DEED**

THIS INDENTURE WITNESSETH, Indy Homes, LLC, ("Grantor"), a limited liability company organized pursuant to the Indiana Business Flexibility Act, CONVEYS AND WARRANTS to **William Joseph Webster**, ("Grantee") for the sum of ten dollars (\$10), and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 4 EAST, DESCRIBED AS FOLLOWS:

BEGIN AT A POINT 44 FEET SOUTH AND 26 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION, TOWNSHIP AND RANGE, AND RUN THENCE EAST 131.5 FEET, RUN THENCE SOUTH 5 RODS 11 FEET, THENCE WEST 131.5 FEET, THENCE NORTH 5 RODS 11 FEET TO THE PLACE OF BEGINNING.

Commonly known as: 546 N. Union Street; Westfield, Indiana 46074

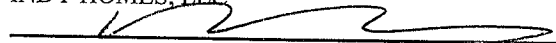
Send tax bills to: 22857 West Rd., Sheridan IN 46069

Grantor states under oath that no Indiana gross income tax is due or payable with respect to the transfer of the above described real estate.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are authorized by Grantor and have been fully empowered, by proper resolution of the Operating Agreement of Grantor, to execute and deliver this deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 29<sup>th</sup> day of June, 2007.

INDY HOMES, LLC

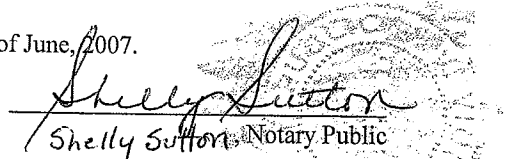
  
By: Matthew J. O'Brien Realty Unlimited, Inc., Member,  
By: Matthew J. O'Brien, President

STATE OF INDIANA     )  
COUNTY OF MARION    )

Before me, a Notary Public in and for said County and State, personally appeared Matthew J. O'Brien Realty Unlimited, Inc., by Matthew J. O'Brien, President, Member, Indy Homes, LLC, who acknowledged execution of the foregoing Deed and Tax Affidavit for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 29<sup>th</sup> day of June, 2007.

My Commission expires: 7/30/08  
County of Residence: Hamilton

  
Shelly Sutton Notary Public

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. (Janet Davis Hocker)

Prepared by: Janet Davis Hocker, Attorney at law, 7202 N. Shadeland Ave, #207, Indianapolis, IN 46250.

## SURVEYOR LOCATION REPORT

This report is designed for use by a Title Insurance Company with residential loan policies. No corner markers were set and the location data herein is based on limited accuracy measurements. Therefore, no liability will be assumed for any use of this data for construction of new improvements or fences.

PROPERTY ADDRESS: 546 NORTH UNION STREET, WESTFIELD, IN 46074

PROPERTY DESCRIPTION: INSTRUMENT NUMBER 2007037440

A PART OF THE NORTHEAST (NORTHWEST) QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 4 EAST DESCRIBED AS FOLLOWS:

BEGIN AT A POINT 44 FEET SOUTH AND 26 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION, TOWNSHIP AND RANGE, AND RUN THENCE EAST 131.5 FEET, RUN THENCE SOUTH 5 RODS 11 FEET, THENCE WEST 131.5 FEET, THENCE NORTH 5 RODS 11 FEET TO THE PLACE OF BEGINNING.

CLIENT I.D. NO.:

TITLE CO:

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that, to the best of my knowledge and belief, this report conforms with the requirements contained in Sections 27 thru 29 of 865 IAC 1-1-12 for a surveyor location report.

FLOOD HAZARD REPORT: The accuracy of any flood hazard statement shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced flood insurance rate map. All \_X\_/Part     of the within described land does    / does not \_X\_ lie within that special flood hazard zone AE as said lands plot by scale on community panel # \_18057C0120F\_ of the flood insurance rate map for \_Hamilton County, Indiana (maps dated \_Feb. 19, 2003\_).

DATE OF SURVEY: July 24, 2007

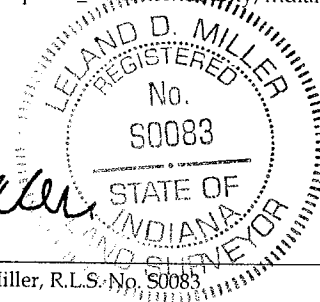
Registered Land Surveyor's Signature: \_\_\_\_\_

Leland D. Miller, R.L.S. No. 50083

REPORT JOB #: M15672

PROPOSED BUYER: WILLIAM WEBSTER

PROPOSED LENDER:



PART OF NORTHWEST QUARTER OF SOUTHWEST QUARTER  
SECTION 31, TOWNSHIP 19 NORTH, RANGE 3 EAST

NORTHWEST CORNER  
NORTHWEST QUARTER  
SOUTHWEST QUARTER  
SECTION 31-T19N-R4E

HOOVER STREET

--- = EXISTING FENCE LINE

44.0'

P.O.B. OF  
DESCRIPTION

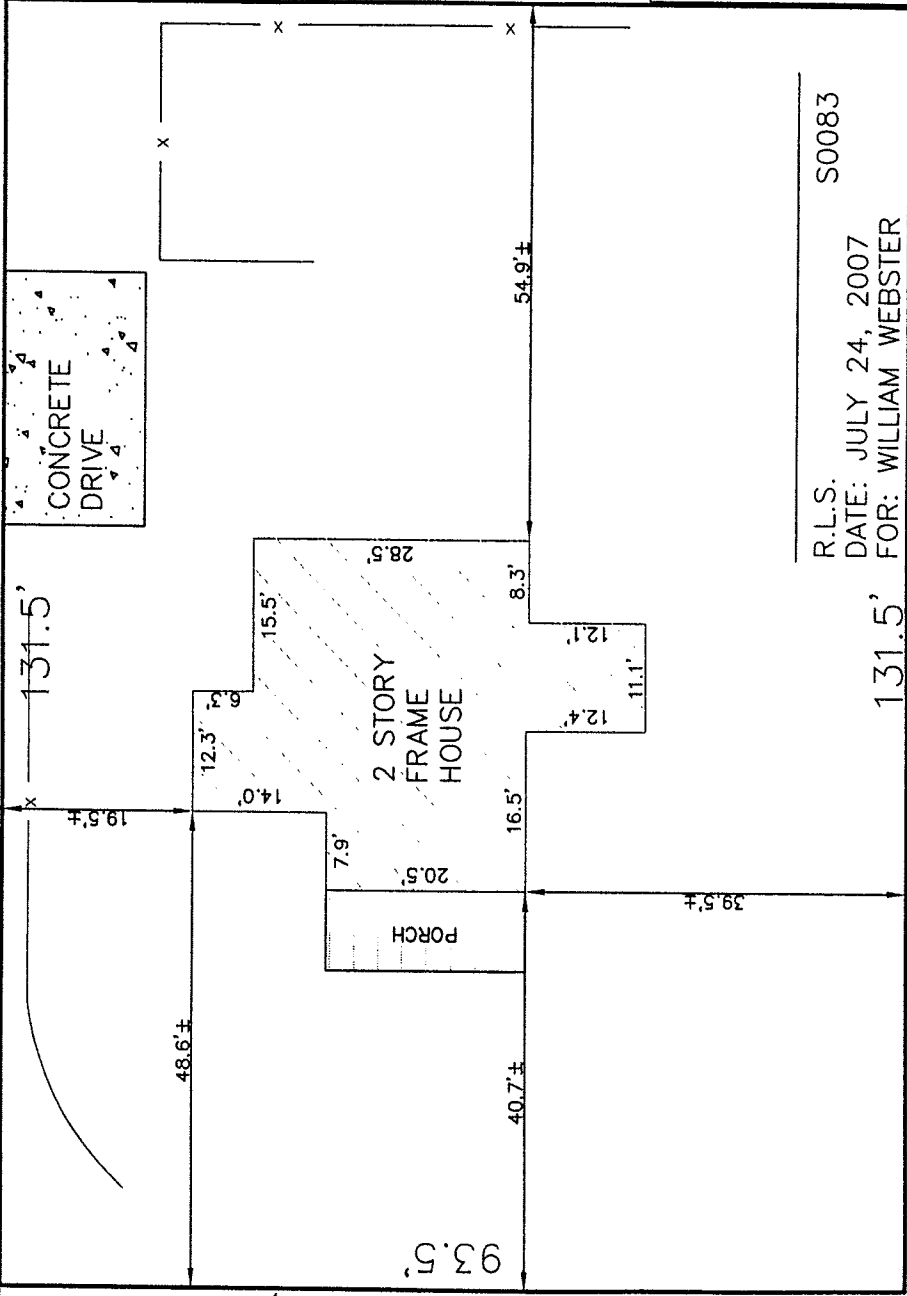
**NORTH**  
GRAPHIC SCALE



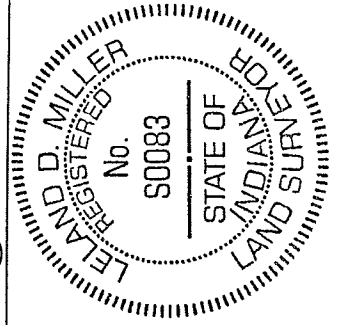
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UNION STREET

(5 RODS 11 FEET)



93.5'  
(5 RODS 11 FEET)



R.L.S. S0083  
DATE: JULY 24, 2007  
FOR: WILLIAM WEBSTER

131.5'

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